

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

UNITED STATES OF AMERICA

V.

**TINA DUDLEY, a.k.a.
TINA GONZALES**

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CRIMINAL NO. 6:03-CR-17-001

**REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On October 16, 2008, the Court conducted a hearing to consider the government's petition to revoke the supervised release of Defendant, Tina Gonzales, a.k.a. Tina Dudley. The government was represented by Richard Moore, Assistant United States Attorney for the Eastern District of Texas, and Defendant was represented by Tonda Curry.

Defendant originally pleaded guilty to the offense of Controlled Substance - Sell, Distribute, or Dispense, a Class B felony. The offense carried a statutory maximum imprisonment term of 40 years. The United States Sentencing Guideline range, based on a total offense level of 21 and a criminal history category of I, was 37 to 46 months. On August 12, 2003, U.S. District Judge John Hannah, Jr. sentenced Defendant to 37 months imprisonment subject to the standard conditions of release, plus special conditions to include substance abuse testing and treatment. On February 18, 2005, Defendant completed the term of imprisonment and began service of the supervision term.

Under the terms of supervised release, Defendant was prohibited, in relevant part, from: committing another federal, state or local crime, excessive use of alcohol, and purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. In its petition, the government alleges that Defendant violated her conditions of supervised release by committing another federal crime—on

September 2, 2007 Defendant was indicted and pleaded guilty in the Eastern District of Texas for the offense of conspiracy to possess with intent to distribute and distribution of 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a violation of 21 U.S.C. § 846.

If the Court finds by a preponderance of the evidence that Defendant committed this violation, a statutory sentence of no more than three years of imprisonment may be imposed. 18 U.S.C. § 3583(e)(3). Pursuant to Section 7B1.1(a) of the Sentencing Guidelines, violating a condition of supervision by committing a violation of 21 U.S.C. § 846 on or about July 2004 through October 2, 2007 would constitute a Grade A violation, for which the Court shall revoke Defendant's term of supervised release in favor of a term of imprisonment. U.S.S.G. § 7B3.1(a)(1). Considering Defendant's criminal history category of I, the Guideline imprisonment range for a Grade A violation is 12 to 18 months. U.S.S.G. § 7B1.4(a).

At the hearing, the parties indicated they had come to an agreement to resolve the petition whereby Defendant would plead true to violating a standard condition of supervision by conspiracy to possess with intent to distribute and distribution of 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine. In exchange, the government agreed to recommend that Defendant serve 12 months and 1 day to run consecutively with the sentence imposed in 6:07-cr-82.

Pursuant to the Sentencing Reform Act of 1984, and the agreement of the parties, the Court **RECOMMENDS** that Defendant, Tina Gonzales, a.k.a. Tina Dudley, be committed to the custody of the Bureau of Prisons for a term of imprisonment of 12 months and 1 day to run consecutively with the sentence imposed in 6:07-cr-82.

The parties have waived their right to object to the findings of the Magistrate Judge in this matter so the Court will present this Report and Recommendation to District Judge Leonard Davis for adoption immediately upon issuance.

So ORDERED and SIGNED this 16th day of October, 2008.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE